

House Bill 1318

By: Representative Crawford of the 16th

A BILL TO BE ENTITLED

AN ACT

To amend Code Section 36-30-7.1 of the Official Code of Georgia Annotated, relating to inactive municipalities, so as to specify the burden of proof upon the filing of declaratory judgment action for a declaration of the dissolution of a municipal corporation; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 36-30-7.1 of the Official Code of Georgia Annotated, relating to inactive municipalities, is amended by revising subsection (j) as follows:

"(j) In any case in which the legal dissolution of a municipal corporation has not been certified under the provisions of subsection (f) of this Code section but the municipal corporation does not in fact meet the minimum standards for determining an active municipality enumerated in subsection (b) of this Code section, any citizen of the municipal corporation or the county in which the legal situs of the municipal corporation is located may bring at any time on or after July 1, 1995, a declaratory judgment action for a declaration of the dissolution of the municipal corporation. Any such action shall be brought in the superior court of the county wherein the legal situs of the municipal corporation is located. The municipal corporation shall bear the burden of proof to show that it does meet the minimum standards for determining an active municipality including but not limited to showing that the requisite number of services enumerated in paragraph (1) of subsection (b) of this Code section are being provided in such a manner that the health, safety, and welfare of the property owners and citizens of the municipal corporation would be negatively impacted if the municipal corporation was dissolved. If a judgment is entered declaring the dissolution of the municipal corporation, the court shall file a certified copy of the judgment with the Secretary of State and the legislative counsel. A copy of such judgment shall be published in the next publication of the annual session laws with the same status and effect provided for in subsection (f) of this Code section; and a

27 certified copy of the judgment from the court or the Secretary of State shall have the same
28 status and effect as described in subsection (f) of this Code section."

29 **SECTION 2.**

30 All laws and parts of laws in conflict with this Act are repealed.